THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25714 OF 2005

Dt.7.12.2005

Between:

Smt.E.Sulochanamma … Petitioner

And

The District Collector, Kurnool

And 3 others … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies.

The petitioner herein was appointed as fair price shop dealer of K.Venkatapuram Village, Devarakonda Mandal, Kurnool District in the year 1996 and her authorization is renewed up to 31.3.2006. While so, based on the report of the Mandal Revenue Officer, Devarakonda Mandal, the Revenue Divisional Officer, Adoni, after issuing a show cause notice and after considering the explanation of the petitioner suspended the authorization of the petitioner by order dated 6.11.2004 on the grounds that the dealer is issuing less quantity of PDS rice and kerosene oil to the cardholders as against

their entitlement, collecting higher rates for the essential commodities, the petitioner is not possessing valid authorization, the dealer has not exhibited the stock-cum-price list board at the shop premises and the shop is run by benami person.

Except affirming the allegations in the show cause notice, no material particulars have been narrated in the order of suspension, which was passed as a measure of substantive punishment. However, as against the said suspension order, the petitioner filed an appeal before the Joint Collector, Kurnool and the same was dismissed by order dated 31.7.2005. As against the said order of the Joint Collector, the petitioner filed a revision along with stay application before the District Collector, Kurnool. Without disposing the said stay application, the revisional authority by the impugned proceedings dated 16.9.2005 directed the Revenue Divisional Officer to submit the documentary evidence in support of the allegations made against the petitioner with regard to the issuance of less quantity of PDS rice and kerosene oil to the card holders and collection of higher charges etc. As no particulars have been furnished either in the impugned suspension order or in the appellate order, I am of the opinion that the District Collector has rightly called for the said information.

Having regard to the facts and circumstances of the case, I am of the opinion that it is just and proper to stay the operation of the impugned order pending disposal of the revision before the first respondent. Accordingly, the writ petition is allowed directing the first respondent/revisional authority to consider and dispose of the revision pending before him. Till then the order of suspension stands stayed and the petitioner is permitted to distribute essential commodities to the card holders.

The writ petition is allowed accordingly. No costs.

(V.ESWARAIAH, J.)

7.12.2005

Note: Issue copy within three days

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